

August 15, 2006

## ENVIRONMENTAL COMMITTEE REPORT

An Environmental Committee meeting was held on August 15, 2006 at 5:00 P.M. in the County Administration Building, Quorum Court Meeting Room, 215 East Central, Bentonville, Arkansas

Committee Members Present: Adams, Sampier, Schindler, Tharp, Wozniak

Others Present: JP David Hill, County Attorney Ed Gartin

Media: Jennifer Turner, Daily Record; David Bowie, Morning News

JP Jim Wozniak called the meeting to order at 5:00 p.m.

### **PUBLIC COMMENTS:**

Bill Millager stated that he was glad to see that the Environmental Committee agenda included a mission statement, and was glad to see the additions that have been made to the proposed Nuisance Abatement Ordinance in regards to junked cars and wrecked mobile homes. He said he is concerned that enforcement will be difficult due to a lack of personnel, and that the term “agricultural use” should be defined more clearly. He also said he was sorry to see that enforcement is limited to parcels 10 acres and under.

Don Day stated that he tried to be a responsible citizen by staying informed, but is finding it difficult due to the County website’s new design. He said he could not find the calendar page which listed the monthly meetings and times. He also said that he did not receive the version of the nuisance abatement ordinance until Friday, and had not had time to review the entire document. He said that he did not know why the proposed ordinance was before this committee, since it should be before the Planning Board for public comments. He said that aesthetic nuisances should be separated from actual environmental hazards and then distributed copies of his comments on the first article of the proposed ordinance.

### **OLD BUSINESS:**

#### **1. Proposed Nuisance Abatement Draft**

JP Tharp stated that the last proposed ordinance was heavily criticized when it went to the Planning Board for a Public Hearing, but that was some time ago and he wondered if anyone remembered what the specific objections had been. County Attorney Ed Gartin stated that the ordinance that had gone to the Planning Board was a completely different ordinance. He said he was responsible for the ordinance coming back to the Environmental Committee, because his charge at the last meeting was to make the recommended changes and then send it to the Planning Board for Public Hearings. He said that should have occurred before the Environmental Committee discussed it again because if any changes are made, then the final version has to go to a Public Hearing with those changes. He said they can forward it to the Committee of Thirteen to get input from other JPs, and hear public comments at that level, but it

will still have to go to the Planning Board after the changes are made. JP Tharp stated that the Committee of Thirteen would be a good place to get input from the other JPs, and then they could send it to the Planning Board from there.

County Attorney Ed Gartin stated that in regards to the exceptions, the language was taken from the enabling legislation. JP Schindler stated that it was time to take action, and made motion to forward the proposed ordinance to the Committee of Thirteen, for the purpose of changes if necessary, and then on to the Planning Board for Public Hearing. JP Tharp stated that he would second the motion if JP Schindler would include in his motion that the proposed ordinance go to a special called Committee of Thirteen so that it will receive adequate attention. JP Schindler agreed. JP Tharp seconded the motion.

JP Adams stated that he believed they should never rush to action, even if the intent is good, unless the legislation is as perfect as it can be. He said that was why he voted against sending it to the Planning Board at the last meeting, not because he did not think it was a good ordinance, but because he did not think it was ready. He said they must do all they can do to make sure it is accurate. He said that although they voted to send it to the Planning Board, the County Attorney felt it was not ready, so he brought it back to this committee, and while he does not agree with that process because the action that the committee decided upon should have happened, he believes the County Attorney was correct in that it was not ready. He said he will support the action, but there is a lot more work that has to be done, and although he does not think the Committee of Thirteen is the place for it to be done; he will give it a chance. He said that if the committee votes on an action, since they are the legislative body, it should be followed – right or wrong.

JP Sampier stated that from an Environmental Committee person's standpoint, he believes it is ready to move on. He said changes may come from other committees or departments, but as an Environmental Committee member, he is ready to see it move on. JP Tharp stated that he fears moving legislation out of committees too quickly if they have not accomplished due diligence, but he feels in this case they have done their best and need the rest of the Quorum Court members to assist in bringing this to a unified legislation that can be passed after public hearing. JP Wozniak asked if everyone accepted the changes that County Attorney Ed Gartin has made in the draft. There were no objections. He asked County Attorney Ed Gartin to explain why he had left the fine amount blank in Article 9, Section F. Ed Gartin stated that it could be a nominal amount, but it was something for the Committee of Thirteen to decide. JP Sampier stated that the Finance Committee might also want some input, and he is comfortable forwarding the proposed ordinance with the blank left in it. Motion passed by unanimous show of hands vote. JP Wozniak said he would contact JP Summers to arrange a Special Committee of Thirteen meeting if necessary. JP Sampier stated that he thought it could be included in a regular meeting if the agenda was light. JP Adams stated that the motion was for a Special Committee of Thirteen meeting. JP Wozniak stated that if JP Summers tells them no, that is where they sit, because it is his committee, but they would try for a separate time. JP Tharp stated that JP Adams had a point that the motion was for a special called meeting. JP Wozniak stated he would contact JP Summers before next week.

After motion and second the meeting was adjourned at 5:29 p.m.